

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

5/9/2017 12:23 pm

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NANCY D'ELLA,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

ORDER
16-CV-7045 (JMA)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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AZRACK, United States District Judge:

By order dated March 10, 2017, the Court denied without prejudice the application of pro se plaintiff Nancy D'Ella to proceed in forma pauperis and directed plaintiff to either remit the \$400 filing fee or complete and return the annexed AO 239 in forma pauperis application within fourteen (14) days. Plaintiff was "cautioned that a failure to timely comply with this Order will lead to the dismissal of the complaint without prejudice." (ECF No. 5.) To date, plaintiff has neither paid the filing fee nor filed the AO 239 in forma pauperis application. In fact, plaintiff has not communicated with the Court since she filed her complaint on December 20, 2016. Accordingly, the complaint is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to mail a copy of this order to the plaintiff at her last known address and to mark this case closed.

SO ORDERED.

Dated: May 9, 2017
Central Islip, New York

/s/ JMA
Joan M. Azrack
United States District Judge